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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,522	12/17/2003	Chi Chang Chuang	BHT-3117-175	4357
<div>7590 08/24/2007 TROXELL LAW OFFICE PLLC SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041</div>			<div>EXAMINER CHAPMAN, JEANETTE E</div>	
			<div>ART UNIT 3635</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/24/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,522

Applicant(s)

CHUANG, CHI CHANG

Examiner

Jeanette E. Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

- 5) ☐ Notice of Informal Patent Application

- 6) ☒ Other: PATENT COPY 10/ANNOTATIONS

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Applicant's election without traverse of specie 1 in the reply filed on 7/24/07 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification is not enabling the black mica plate incorporated in the construction of the brick mortarless wall. The specification merely states that "a plate is slidably fitted with the opposite mortises 12 of the case 1 or the bricks 2 fixed under the roof and on the ground." How is the plate fitted in the mortises while still be able to form the brick wall as shown in the other figures. Does the edges of the plate fit in the mortises? If so how are the rest of the bricks stacked against the plate to form the complete wall structure from top to bottom? How is the middle portion of the wall filled in with bricks? How are all of the bricks and the plate combined to form the completed wall structure?

Further, in claim 1, the case of brick is stated as being both solid or hollow. Such recitations are very unclear in meaning.

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Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for combination mortarless wall, does not reasonably provide enablement for the combination wall and black mica plate. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. See above rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Caroti (4956958). Caroti discloses a multifunctional rail-style wall combined by mortising comprising

cases and bricks with tenons and mortises, said case or said rectangular brick 1 with tenons 11 and mortises 13, said case or brick 1 having an upper and a lower surface, 7 and 9 and four circumferential sides 3 and 5, said upper and said lower surface, 7 and 9 respectively of said case or brick 1 respectively provided with at least one lengthwise first tenon 11 and one lengthwise first mortise 13, said first tenon 11 and said first mortise 13 respectively extending from the edge of one of said circumferential sides 5 to the edge of

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the opposite circumferential side 5, every two of said cases or said bricks 1 capable of being combined together by engaging said tenons 11 with said mortises 13, said case with said tenons and mortises, said brick 1 with said tenons 11 and mortises being solid or hollow, see abstract, said cases or said bricks 1 able to be combined into walls of different shapes, see figures 5, 13, 14, needless to use mortar, slurry or other adhesives for bonding (column 1, lines 5-70).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Caroti in view of Gilbert (6799405).

Caroti lack said case with said tenons and mortises has its hollow provided on the inner walls with reinforced ribs preset in shape

Gilbert discloses a mortarless block case with said tenons and mortises has its hollow provided on the inner walls with reinforced ribs, see annotations on patent copy preset in shape. It would have been obvious to one of ordinary skill in the art to include the ribs to strengthen the block structure.

Gilbert also discloses the bored openings 36, 38, 40, 42, 44 in order to form at least one pouring hole communicating with said hollow for plastic material to be poured therethrough in said hollow. See column 7, lines 1-37. It would have been obvious to one of ordinary skill in the art to include the bored openings readily adapted or reinforcement as shown by Gilbert.

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Gilbert also discloses said case and said brick respectively have one of said lengthwise sides bored with a vertical pipe groove preset in shape at an intermediate portion, and four corners of said four circumferential sides are respectively formed with a vertical cut face to match with said pipe groove, said pipe grooves together with said cut faces of said cases or bricks making up a pipe passageway for fitting pipes therein after said cases or bricks are combined together in an interposing pattern. See figure 7 and column 7, lines 15-28.

Claims 8, 9, 12, 13, as far as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Caroti in view of Pollock et al (3099863).

Pollocks et al discloses a plate 20 can be slidably fitted between said first mortises of said cases 1, 2, 3 secured under the roof and on the ground or between a left and a right wall. The plate is not made of material contains mainly mica and partially other minerals and chemical materials, and is compressed in shape by machinery. However, the sheet or wall is fire insulating and sound deadening; the same properties desired in applicants plate. Hence the type of material is not viewed as critical but a matter of design choice. The mica fire insulating material is well within the scope of the disclosure to Pollocks et al. Hence, It would have been obvious to one of ordinary skill to include the plate for the increased functionality of the wall and to have all three panels locked together in a tongue and groove type interfit and present a uniform aligned or coplanar outer face

Regarding claims 12 and 13;

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Applicant is claiming an article. Method limitations are considered as a variation of product by process claims. The product is shown and thus the process is not critical.

wherein said case with tenons and mortises is capable of being made of a plate, which is cut and processed; see figure 10.

said plate is capable of being cut and processed to make said cases with tenons

and mortises and the remaining waste material of said plate can be recycled for making said bricks.

Applicant is claiming a process that is immaterial to the structure and function of the rail stylewall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHILCOT RICHARD can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Jeanette chapman
Primary examiner
Art unit 3635



US006799405B2

(12) **United States Patent**
Gilbert

(10) **Patent No.:** **US 6,799,405 B2**
(45) **Date of Patent:** **Oct. 5, 2004**

(54) **MASONRY UNIT AND MASONRY SYSTEM,
AND METHOD OF USE**

(76) **Inventor:** **Del R. Gilbert**, 61 Chapin Ter.,
Laconia, NH (US) 03246

(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** **10/337,528**

(22) **Filed:** **Jan. 6, 2003**

(65) **Prior Publication Data**

US 2004/0128936 A1 Jul. 8, 2004

(51) **Int. Cl.⁷** **E04B 5/04**

(52) **U.S. Cl.** **52/604; 52/606; 52/610;
52/592.6; 52/612**

(58) **Field of Search** **52/604, 606, 610,
52/592.6, 745.09, 744.13, 745.1; 405/285,
284, 286**

(56) **References Cited**

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Primary Examiner—Peter M. Cuomo

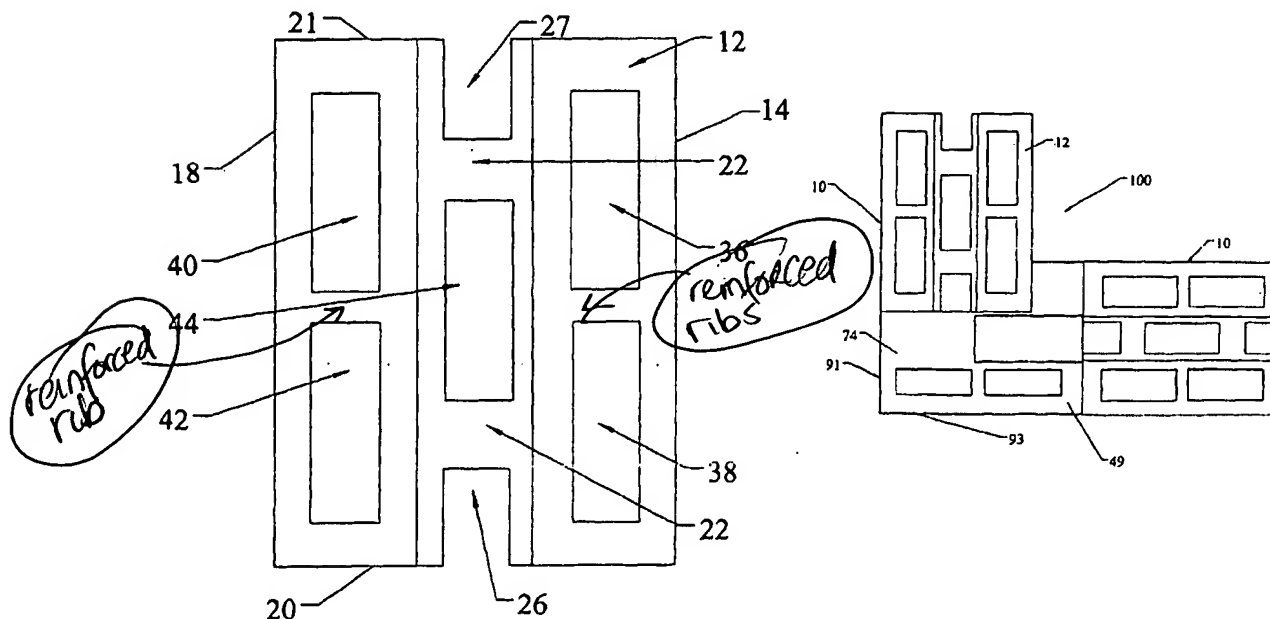
Assistant Examiner—Erika Garrett

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& Persson, P.C.

(57) **ABSTRACT**

The present invention is a masonry unit, masonry system and method of constructing a structure using the system. In its most basic form, the masonry unit of the present invention includes substantially parallel top and bottom surfaces, substantially parallel a front and back surfaces, and substantially parallel right and left surfaces. A locking ridge is disposed upon the top surface and extends along the top surface in substantially parallel relation to the front and back surfaces. A locking channel is disposed with in the bottom surface and is dimensioned to mate with locking ridge on the top surface of an adjoining masonry unit. The locking channel is disposed inward from the bottom surface a distance that is a slightly larger than the distance from the top surface to the top of the ridge. The system includes a primary masonry unit and at least one corner masonry unit.

15 Claims, 8 Drawing Sheets



PATENT COPY W/ANNOTATIONS